

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DENISE SCOTT,

)  
Plaintiff, )

v. )

BENITO JUAREZ,

)  
Defendant. )

NO. C 98-20299 EAI  
SETTLEMENT CONFERENCE  
PROCEDURES  
CONFERENCE DATE: 11/23/98  
AT 10:00 A.M.

The parties shall comply with the following settlement conference procedures.

No later than (7) days before the settlement conference, each party shall submit a Settlement Conference Statement to Judge William A. Ingram in camera. The Settlement Conference Statement shall be submitted in a sealed envelope and shall not be filed with the Clerk of the Court. Copies of the statement shall not be served upon the other parties or their counsel.

The form and content of the Settlement Conference Statement may vary depending upon the nature of the case, the state of the proceedings or timing of the conference, and economic considerations. Generally, the Settlement Conference Statement should include the following information:

1. Statement of Facts. A brief description of the substance of the claims and defenses presented.
2. Summary of Proceedings. A brief list of the motions previously made, the dispositions thereof, and any motions pending resolution.
3. Undisputed Matters. A plain and concise statement of all material facts not reasonably disputable.
4. Issues of Fact. A plain and concise statement of the major factual issues in dispute.
5. Issues of Law. A brief statement of the disputed points of law with respect to liability and damages with reference to statutes and decisions relied upon. Extended legal argument is not necessary. Reference may be made to memoranda and points and authorities previously filed.
6. Relief Sought. A statement of the relief claimed including a particularized itemization of all elements of damages.

7. Prior Settlement Discussions. A summary of prior settlement activity between the parties including settlement offers and responses thereto.

8. Litigation Costs. A brief statement of the approximate litigation costs to date and the estimated cost and time projected for further discovery, pretrial proceedings and trial.

9. Settlement Analysis. A brief and forthright evaluation of the strengths and weaknesses of your case and the probabilities of prevailing on the major issues in dispute.

10. Discrete Issues. Are there any discrete issues affecting the parties which, if resolved, would aid in the disposition of the case.

11. Current Settlement Position. Set forth a reasonable proposal of settlement, with demands and/or offers previously or currently made.

Counsel shall appear at the Settlement Conference with the parties or with the person or persons having full authority to negotiate a full settlement of the case. In rare circumstances, upon a showing of good cause in writing at least seven (7) days prior to the settlement conference, the Court may authorize a party to participate by telephone.

In order to insure that all parties are informed of the settlement conference procedures, the plaintiff shall serve copies of this Order immediately upon all other parties that have been served with the summons and complaint pursuant to Rule 4, and 5 F.R.C.P.

IT IS SO ORDERED

FOR THE COURT;

RICHARD W. WEIKING, CLERK

By: \_\_\_\_\_  
Donald R. Ballah  
Deputy Clerk